

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW



EVALUATION OF THE RIGHTS PRESENTATION

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EXECUTIVE SUMMARY

During fiscal year 1998, the Executive Office for Immigration Review (EOIR) funded a short term pilot project designed to augment the due process information detainees receive from immigration judges. During the pilot, nonprofit organizations conducted daily "rights presentations" at Immigration and Naturalization Service (INS) detention facilities. At these presentations, large groups of detainees received comprehensive explanations about immigration court procedures along with other basic legal information. Detainees attended the presentation before their first immigration court appearance.

Based on the case data from the pilot period, the rights presentation has the potential to save both time and money for the government while also benefitting detainees. During the pilot, cases were completed faster and detainees, with potential meritorious claims to relief, were more likely to obtain representation. Moreover, the rights presentation is a useful management tool for controlling a detained population and may strengthen the capability of the INS to operate safer detention facilities.

However, several barriers to replicating the rights presentation exist. The most significant barrier is funding, although avenues for alternative funding or less expensive videotape presentation may provide some solutions. Further, the cost for expansion of the pilot could potentially be offset when detainees, with no recourse to relief, accept a removal order after attending a rights presentation. In those cases, INS turns over a detention bed more quickly. Although, both EOIR and INS need to address and resolve barriers, expansion of the rights presentation should be considered.

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INTRODUCTION

In 1998 the Executive Office for Immigration Review (EOIR) selected three nonprofit organizations for a pilot project to provide a daily “rights presentation” to Immigration and Naturalization Service (INS) detainees. During the pilot project, EOIR envisioned that large groups of INS detainees would receive a comprehensive explanation of immigration court procedures along with basic legal information. Optimally, detainees attend the rights presentation before making an initial court appearance.

At the end of the pilot period, EOIR officials decided to evaluate the effects of the presentations on the immigration courts and the processing of detainees. This report provides a summary of the evaluation findings.

Summary of Highlights

- , Almost three thousand INS detainees attended the rights presentation during the pilot project.
- , Through the rights presentation, detainees receive consistent and standard legal information.
- , The number of cases completed at the initial master calendar hearing increased during the pilot project.
- , Similarly, the pilot project did not prolong case processing.
- , Representation rates increased during the pilot project.
- , INS reported that the rights presentation reduces anxiety among detainees.
- , One barrier to further expansion of the rights presentation is funding.
- , Further expansion may result in the ability of INS to turn over more detention beds.

BACKGROUND

Beginning in 1989 and continuing into the 1990s, the Florence Immigration and Refugee Rights Project (also known as the Florence Project) established and refined a model designed to inform INS detainees at the Florence Service Processing Center of their rights. Daily, the Florence Project staff conducted presentations that included basic explanations about immigration law along with individual case assessments.

In 1992, the General Accounting Office (GAO) reported¹ that the Florence Project resulted in significant time savings for the government because after the presentation, detainees will have a clearer understanding of immigration court procedures and relief options. Consequently, the GAO found that most of the immigration hearings conducted at the Florence Immigration Court took less time since judges did not have to give each detainee a lengthy rights explanation. Further, the GAO attributed the success of the Florence Project to (1) cooperation received from local INS staff and (2) availability of resources to fund the presentations.

Two years later, the United States Senate passed a bipartisan resolution praising the Florence Project for improving immigration processing and recommending to the Attorney General that the Department of Justice test similar programs at other INS Processing Centers. To implement the pilot programs, the resolution called for awarding start-up administrative grants to nonprofit organizations. The resolution also suggested evaluating the pilot programs for efficiency, effectiveness, and replication to other Processing Centers.

Evaluation Objectives

The evaluation of the pilot project was designed to (1) assess the impact of the rights presentation on the efficiency and effectiveness of the immigration courts; (2) make recommendations for nationwide implementation of the rights presentation; and (3) make recommendations about whether one type of presentation should be replicated.

Evaluation of the pilot project included interviews with Port Isabel, San Pedro, and Florence Immigration Court staff and also INS officials from the Harlingen, Phoenix, and Los Angeles District Offices and rights presenters. Appendix I gives an overview of the pilot project. Summaries of work done at each site are included in Appendix II, III, and IV.

¹Immigration Control: Immigration Policies Affecting INS Detention Efforts, United States General Accounting Office, Report GAO/GGD-90-18, June 1992

FURTHER EXPANSION OF THE RIGHTS PRESENTATION SHOULD BE CONSIDERED

Through the rights presentation, the Department of Justice (DOJ) is assured that Immigration and Naturalization (INS) detainees receive consistent and standard legal information. During the FY1998 EOIR-funded pilot, almost three thousand INS detainees attended the rights presentation. In some cases, the rights presentation may have prevented the removal of detainees with legitimate claims. The pilot project improved case processing and may result in some cost avoidance for INS.

INS Detainees Receive Consistent and Standard Legal Information

As required by 8 CFR § 240, immigration judges advise respondents about the factual allegations and the charges against them during the master calendar hearing². At this initial hearing, judges also inform respondents about their right:

- , to be represented by counsel at no expense to the government,
- , to testify on their own behalf,
- , to call witnesses,
- , to cross-examine any witness called by the government,
- , to present evidence on their own behalf, and
- , to object to evidence offered by the government.

Further, judges explain to the respondents about their right to appeal. In part, EOIR designed the pilot project to augment the responsibility of the judges who must ensure all respondents have a clear understanding of these procedural rights.

Advisement by the judges continued. However, respondents also received basic legal information from nonprofit organizations during the pilot project. The three nonprofit organizations selected for the EOIR pilot project included the South Texas Pro Bono Asylum Representation Project (ProBar), the Catholic Legal Immigration Network (CLINIC), and the Florence Project. Each organization made legal information available to detainees by:

²During a master calendar hearing at an INS detention facility, groups of detainees appear before an immigration judge. Some cases are resolved during this initial hearing.

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- , Conducting structured daily presentations;
 - , Integration of questions throughout the presentation;
 - , Interviewing individual detainees immediately following each presentation.

As mentioned in an earlier section of this report, the Florence Project has been conducting daily presentations since 1989. During the EOIR-funded pilot, Project staff continued presentations at the Florence INS detention facility. The American Bar Association Fund for Justice and Education (ProBar) conducted presentations at the Port Isabel facility and the Catholic Legal Immigration Network (CLINIC) did presentations at the San Pedro facility near Los Angeles.

Structured Daily Presentations - Generally, presentations lasted between thirty and forty-five minutes. At Florence, presentations were conducted early in the morning before the court's master hearing. The two other organizations conducted the presentations during the evening hours. Any detainee scheduled for the next day's master calendar hearing could attend. In all instances, we found that either an attorney or a paralegal, under the supervision of an attorney, conducted the presentation. Specifically, the information discussed by the presenters included:

- , the purpose of the presentation and the role of the presenters;
- , the role of private attorneys and the government;
- , basic immigration court procedures including the responsibilities of the immigration judge, INS trial attorney, and the detainee;
- , the consequences of prior criminal activity and of a removal order;
- , eligibility for bond, release from detention, and eligibility for relief from removal to include a detailed explanation of requirements for United States citizenship, asylum, withholding of removal, torture convention protection, cancellation of removal, and voluntary departure.

Both ProBar and CLINIC staff told us they used the Florence model during the EOIR-funded pilot. For example, ProBar and CLINIC staff told us they modified the presentation script developed by the Florence Project and used it during the pilot at Port Isabel and San Pedro. Based on our observations, we noticed the standardization of the Florence script resulted in detainees receiving the same legal rights information from the presenters, no matter the location.

Additionally, both ProBar and CLINIC adapted other Florence Model components such as the preliminary review of detainee cases before the daily master calendar hearings. In preparation for the daily presentations, staff from each of the nonprofit organizations would first examine the master calendar schedules and would subsequently review the immigration court files for each detainee scheduled. For example, CLINIC staff would drive to the San Pedro facility every morning to review a copy of the master calendar schedule for the next day. While at the facility, they would do a cursory review of each detainee's file and note the following information: (1) the section of the immigration law under which INS had charged the detainee; (2) the criminal charges; and (3) the charging document date of issuance. CLINIC staff told us the reviews of files prepare them for the evening's presentation.

ProBar staff at Port Isabel told us that by reviewing the master calendar schedules they could tailor the presentations according to the composition of the group. For example, if several aggravated felons would be attending, the presenters would give detailed information on options available in light of specific criminal activity.

Based on information provided by the three nonprofit organizations, almost three thousand detainees attended the rights presentation during the pilot. According to the INS and court staff we interviewed, the result was a better informed detainee. Several judges told us they found it easier to work with detainees who attended the rights presentation.

Two INS trial attorneys told us they had noticed that detainees who attended the rights presentation knew what to say when the judge asked them "If they were going to speak for themselves or would they need a lawyer." INS district staff also told us that the presentations help dispel common myths discussed by detainees—such as once your bond is paid you will receive work authorization.

Appendix V offers a breakdown on the number of rights presentation attendees by detention facility during the pilot project.

Integration of questions throughout the presentation - Throughout the rights presentation, presenters ask a series of questions designed to identify detainees with legitimate claims to relief. For example, after describing each relief option, a presenter would ask members of the group to raise their hands if they thought they qualified. We observed the Florence presenters explain to the group that INS will not remove American citizens from the United States. The presenters went on to list the requirements for citizenship and then asked the group if they had American-born parents or grandparents. One detainee spoke up and told the presenter about his American-born mother.

Of course, detainees may also ask questions during and after the presentation. However, organization staff told us they generally do not deviate from the standardized script preferring instead to defer specific questions until the individual interviews. According to the presenters, this allows for consistent delivery of legal information to the group.

Individual detainee interviews - All three organizations told us they interviewed detainees immediately following the daily presentation. Florence Project staff told us individual interviews lasted an average of twenty minutes each. At the Port Isabel detention facility, ProBar staff prepared intake forms during each interview. If detainees were found to have a potential claim for relief, the form was forwarded to other nonprofit organizations who could probably represent the detainee.

Florence Project, CLINIC, and ProBar staff told us that individual interviews usually resulted in:

- ! the referral of unrepresented detainees with relief options to other nonprofit organizations. Often the referral led to pro bono representation. Since resources limit the Florence Project, staff told us the interviews are used as criteria for deciding whether to represent the detainee; and
- ! the acceptance of a removal order by unrepresented detainees without any relief options. Florence Project staff told us that during the interview they will give the detainee a realistic case assessment. As a result, detainees are more willing to accept a removal order when they first appear before the judge.

Appendix VI provides a breakdown on the number of INS detainees interviewed by each of the three nonprofit organizations during the pilot project.

Case Processing Efficiencies Detected During the Rights Presentation

Besides making consistent and standard legal information available to INS detainees, the rights presentation may result in a more efficient immigration court. In our analysis of EOIR case data for the pilot period, we found the rights presentation does contribute to the expeditious removal of some detainees while providing greater access to representation for others.

Number of Cases Completed at Initial Master Calendar Hearings Increased

During an initial master hearing, groups of INS detainees appear before an immigration judge. Some cases are completed during this initial hearing. Quick removal of a detainee often means the availability of another detention bed. Also, judges have more hearing time to accommodate other cases that may involve a detainee with a legitimate claim for relief.

To find out if the rights presentation increased the number (and percent) of detainees who accept removal during an initial hearing, we compared data for hearings held at the Port Isabel, Florence, and San Pedro detention facilities during the pilot project to similar pre pilot³ data. We detected the following:

- ! Of the 2,043 respondents detained during the pilot project, 1,457 (or 71 percent) asked for removal during their initial master hearing. Before commencement of the pilot, only 972 of the 1,455 (or 67 percent) respondents detained at the same facilities asked to be removed during their initial hearing. Overall, there was a 4 percent increase during the pilot project.
- ! Both Port Isabel and San Pedro showed small increases in the number of cases completed at initial master hearings. Perhaps more significantly, 81 percent of Florence cases were completed at the initial master hearing before and during the pilot project. Of course, the rights presentation has been ongoing at the Florence facility since 1989.

At the end of the pilot period, Florence Project, CLINIC, and ProBar staff prepared narrative reports detailing their activities during the pilot project. Two of the organizations did some limited statistical analysis and confirmed our finding that detainees were more likely to accept a removal order after receiving legal counsel and return to their home countries during the pilot project. Based on our analysis, we concluded that the rights presentation likely increased the number of cases completed during the initial master hearing.

³For the purpose of this report, we reviewed EOIR case data for cases completed ninety days before the commencement of the pilot project and for cases completed during the ninety pilot project. For example, we compared Port Isabel case data for the period May 1, 1998 to July 31, 1998 (before the pilot) to case data for August 1, 1998 to October 31, 1998.

Rights Presentations Did Not Prolong Cases

Although we found that most INS detainees were likely to accept a removal order during an initial hearing, detainees not removed received adjournments to:

- ! allow time to obtain representation;
- ! allow filing of an application for relief;
- ! allow their attorney to prepare.

Since adjournments prolong cases, we reviewed the EOIR case data for unrepresented detainees not applying for relief (to include voluntary departure). We attempted to find out if the pilot project prolonged the hearing process. Our conclusions included:

- ! Before the pilot project, it took an average of 24 days to process unrepresented INS detainees from initial hearing to completion at San Pedro. During the pilot project, the average was 15 days.
- ! At the Port Isabel Detention Facility, unrepresented detainees with no relief options took an average of 29 days to complete. During the pilot project, the average was only 20 days.
- ! Again, the results from the Florence Detention Facility remained consistent, before and during the pilot project. During the pilot, it took an average of 14.6 days to process an unrepresented detainee to completion. Before the pilot, the average was 16.9 days.

According to staff from one nonprofit organization, cases are usually prolonged by unrepresented detainees with aggravated felony convictions and no relief options. These detainees generally have strong community and family ties to the United States so they sometimes delay in accepting a removal order. Based on our review of data, we found that the rights presentation did not prolong the hearing process, and may expedite these cases.

Rights Presentation Increased Representation Rates

By obtaining representation, INS detainees with a legitimate claim for relief may have a better opportunity for success. Our review of case data revealed that INS detainees not removed after the initial hearing were likely to find representation during the pilot project. We found the following occurred:

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- ! Before commencement of the pilot project, the representation rate for Port Isabel detainees was 36 percent. During the pilot project, the representation rate increased to 40 percent. ProBar staff told us they had referred 142 INS detainees to other area nonprofit organizations for further legal assistance during the pilot project.
 - ! Similarly, the representation rate for Florence detainees was 22 percent before the pilot project and increased to 28 percent during the pilot. The Florence project told us they represented a total of 23 INS detainees during the pilot period.
 - ! The representation rate for San Pedro detainees was 39 percent before the pilot project and increased to 41 percent during the pilot. CLINIC staff told us they referred several detainees to pro bono attorneys in the area.

While federal law mandates right to representation (at no expense to the government), many INS detainees remain unrepresented when they appear before a judge. Attending a rights presentation appears to make it easier for a detainee to receive a referral to pro bono agencies and attorneys.

Rights Presentation Benefit Detainees Facing Removal

In their final narrative reports on pilot project activities, ProBar, CLINIC, and the Florence Project included specific examples of detainees not removed because of information they received during the rights presentation. Particularly noteworthy:

- ! A Mexican national with three U.S. born children was convicted of a drug offense. During the rights presentation, he learned that because of his United States born mother, he could claim citizenship. EOIR subsequently terminated court proceedings.
- ! A Canadian who was a legal permanent resident and served in the U.S. Armed Forces was granted cancellation of removal through the assistance of the presenters.
- ! A native and citizen of Vietnam who entered the United States as a refugee, was referred to INS for removal after release from prison. Through the assistance of the rights presenters, EOIR terminated his case since his one offense was not an aggravated felony nor a crime involving moral turpitude. And finally,

! A 24-year-old Mexican national admitted to the United States when he was four years old found out through the rights presentation that since his father was United States born, he was entitled to American citizenship. EOIR terminated his case after he provided evidence of eligibility for acquisition of citizenship.

To determine if the rights presentation made a difference in the number of applications for relief, we looked at EOIR case data for Port Isabel, Florence, and San Pedro detainees who did not receive a removal order after the initial master hearing. Overall, we found that the number of detainees applying for relief (to include voluntary departure) increased to 34 percent (217 of 633) during the pilot. Before the pilot project, the rate was 27 percent (133 of 492) of total detainees.

Rights Presentation Reduces Anxiety

At each INS location visited, district staff told us that the rights presentation reduces anxiety among the detainees and ensures a better managed facility. The Officer in Charge of the Florence Detention Facility told us the rights presentation resulted in fewer disciplinary incidents. At San Pedro, the Officer in Charge told us that because of the rights presentation, the detainees are less restless. Another benefit of the rights presentation according to the Port Isabel Officer in Charge is that a third party (not INS or EOIR) will tell the detainee that he or she does not have any relief options, thereby encouraging the detainee to accept a removal order.

Since INS must ensure the security and safety of both staff and detainees at its detention facility, support and promotion of the rights presentation should be a priority. On January 29, 1998, INS released uniform standards for group legal right presentations. However, the standards only covered seventeen detention facilities and did not include any of the state or country jails utilized by INS.

A Model Ready for Replication

As previously mentioned in this report, rights presentations have been ongoing at the Florence detention facility for the past ten years. During this period, Florence Project staff has continually refined and updated a model they originally created to deliver legal services to a detainee population. This model encompasses not only the rights presentation but also a case assessment process.

Within the past year, the Florence Project prepared “know your rights” self-help written material in both Spanish and English plus a general “know-your rights” video that INS has

distributed to other INS detention facilities. ProBar and CLINIC staff told us they effectively utilized the video, presentation script, and other written material developed by the Florence Project while conducting their rights presentation. Additionally, both ProBar and CLINIC used other processes developed by Florence Project staff such as case assessment. Since the Florence Model was used effectively by both CLINIC and ProBar staffs during the EOIR-funded pilot project, we recommend that it be replicated if the rights presentation is expanded.

Cost of Further Expansion of the Rights Presentation

Further expansion of the rights presentation would benefit not only detainees but also the Department. Although they identified several barriers (discussed in the next section of this report) during interviews, several judges and INS officials agreed that expansion should be considered. According to INS Deportation and Detention officials at Florence, San Pedro, and Harlingen, expansion is useful because the rights presentation serves as a management tool to control the detainee population by decreasing their anxiety concerning the hearing process. Given the disturbances that have occurred in recent years at INS detention facilities, we believe the Department should carefully consider and facilitate expansion as one tool in achieving safer detention facilities.

To calculate the cost for further expansion, we estimated that, at a minimum, we would need an average of \$80,000⁴ annually for each INS detention facility. Assuming we expand the rights presentation to other INS detention facilities, the annual cost would be approximately \$1.3 million.

Further Expansion Could Result in Avoidance of Detention Cost

The avoidance of detention cost could offset annual cost for expansion of the rights presentation. Using EOIR data, we calculated the average number of days that detainees remained in INS custody while undergoing case processing. We compared pilot project data with cases completed before the pilot project. Our comparison suggested that during the pilot project, Port Isabel, Florence, and San Pedro cases took an average of 17.45 days to complete⁵. Before the pilot project, cases averaged 21.7 days at the same three

⁴As shown on Appendix I, each nonprofit organization received an average of \$20,000 to conduct the rights presentation for 90 days. The rights presentations were conducted at three INS detention facilities during FY 1998.

⁵We calculated the average number of days between the date the case information was entered into EOIR's database and the hearing completion date. We assumed all detainee were physically located in the INS facility during case processing and we did not exclude detainees with relief

INS facilities.

Since there was a significant decrease in the average number of detention days for completed cases, we used the difference of 4.2 days to estimate the total detention cost that INS could avoid by expanding the rights presentation to other detention facilities. According to EOIR data, 29,131 detainees⁶ appeared before an immigration judge during FY 1999. Using this data and the average daily detention cost of \$65.61⁷, we estimated that INS could have potentially avoided over \$8 million in detention cost if the rights presentation is expanded.

applications.

⁶We used case data from the following INS detention facilities: Eloy, Mira Loma, El Centro, San Pedro, Denver-Wackenhut, Krome, Oakdale, Elizabeth, Bataiva, Varick St, Guaynabo, El Paso, Houston, Port Isabel, Laredo, and Seattle.

⁷This FY 1997 average daily detention cost was used by the General Accounting Office in the following report: Criminal Aliens: INS' Efforts to Remove Imprisoned Aliens Continue to Need Improvement, Report GGD-99-3, October 1998

BARRIERS TO FURTHER EXPANSION OF THE RIGHTS PRESENTATION

In concept, the rights presentation has the potential to save both time and money for the Department while also benefitting detainees. However, before the rights presentation is considered for expansion, both INS and EOIR must address and resolve several barriers to expansion of the rights presentation.

Discussions with INS district officials, trial attorneys, Detention and Deportation officers, immigration judges and other court staff resulted in the identification of several barriers to the expansion of the rights presentation. We also discussed barriers with Florence Project, ProBar, and CLINIC staff members. The barriers included the following:

Funding

Given the limited budget, funding by the Department is the biggest barrier to further expansion. All interviewees agreed that funding should not specifically come from EOIR or INS. The Los Angeles District Director told us that INS should not fund the rights presentation because others might misconstrue it as a conflict of interest. One of the Port Isabel judges suggested that the Department should coordinate efforts by nonprofit organizations to obtain matching funds from private sources or interested states.

Several INS officials and EOIR judges also suggested that we could fund alternatives to the rights presentation. For example, immigration judges and INS district officials suggested that we could fund more videotapes instead. However several judges and INS trial attorneys disagreed and told us the videotapes could not substitute for the interaction between the presenters and detainees that accompany the presentations.

Language

INS staff members identified the number of languages used by the detainees as a barrier to expansion. In Los Angeles, INS district staff pointed out that Spanish is not always the primary language spoken by San Pedro detainees. According to INS staff, rights presenters could accommodate Spanish-speaking detainees but probably could not handle the variety of Chinese dialects. Later, we discussed the multitude of languages with the organization coordinator who had supervised the rights presentation at San

Pedro. She told us that although language was sometimes a problem, usually the detainee could identify someone from the population to translate, if needed.

Additional Government Resources Needed for Expansion

The San Pedro Officer In Charge told us that during the pilot project, CLINIC had conducted the rights presentation in the evening. Consequently, she had to provide additional funding for contract guards to be on duty during the presentations because the INS detention enforcement officers at San Pedro primarily escort detainees outside the facility, and are not available to work in the evenings. The cost for the contract guards during the 90-day pilot project was almost \$20,000.

The Florence court administrator confirmed that if EOIR implements the rights presentation at the INS facility at Oakdale, they would also need additional guards since all of the INS detention enforcement officers serve as escorts and are not available to work additional hours.

Two of the court administrators interviewed told us one impediment to further expansion of the rights presentation would be availability of EOIR's support staff. During the pilot project, court staff would have to collect case files and print hearing schedules for the presenters. One deputy court administrator told us that although the pilot project did not adversely affect court operations, support staff must make time to accommodate the presenters.

Use of Local and State Facilities By INS

Since INS holds many detainees in "contract facilities" - mostly county and city jails, several INS staff members told us that making the rights presentation available at these facilities would be a logistical nightmare. The Assistant District Director for Deportation in Los Angeles told us local jails are reluctant to accommodate a showing of the Florence Project videotape, so a rights presentation would most likely be difficult to achieve.

Organizational Resistance

Most of the immigration judges we interviewed told us that the law already obligates them to advise detainees about rights. One judge told us advising detainees about their rights was her job and she saw no value added to the rights presentation. Another judge told us he had to notify the detainees anyway and the rights presentation was not worth it.

The Los Angeles District Director told us that he believed that judges should not stop advising detainees if we expand the rights presentation. Harlingen INS District officials agreed that the presentations should not replace the responsibility of the judge to inform detainees of their rights.

While acknowledging all potential barriers identified during this evaluation, we must also consider that the rights presentation augments and does not replace the judge's obligation to inform detainees of their rights. If expansion does occur, promotion of the benefits associated with the presentations will likely lessen initial resistance.

Nonprofit Organizations in INS Detention Facilities

One final barrier identified by INS District officials was that expansion would mean rights presenters who are not familiar with detention would be working at INS facilities. The Phoenix District Counsel told us not all nonprofit organizations are cognizant of the realities of working in a detention setting and some do not respect INS's role in the process. She related an incident involving a member of a nonprofit organization that lied to INS staff so that they would release a detainee. The Phoenix Assistant District Director for Deportation and Detention told us contracts awarded to nonprofit organizations, for conducting a right presentation, should include language that would prevent this type of incident from recurring.

CONCLUSIONS AND RECOMMENDATIONS

On a daily basis, EOIR must carefully balance a detainee's due process requirements with the need to process each case quickly. Further, the Department seeks to ensure the most productive use of INS detention space. Accordingly, both the INS and the Immigration Courts must handle cases involving detainees as expeditiously as possible while ensuring that the detainee's right to due process are met.

During the EOIR-funded pilot project, the daily rights presentations resulted in faster completions and increased availability of representation to detainees who might have potential meritorious claims to relief. Additional benefits may be safer detention facilities and the avoidance of increased detention cost by INS. Based on the overall data and because it could serve as a useful management tool for controlling a detained population, the government should expand the rights presentation to all INS detention facilities. Already, the Florence Project has developed a model that other nonprofit organizations could easily replicate.

However, both INS and EOIR staffs identified several barriers to expansion. The most significant barrier identified was funding. Within the coming year, EOIR will be adding a pro bono coordinator to its Headquarters staff. This coordinator will be responsible for promoting and facilitating pro bono efforts throughout the country. Additionally the coordinator could identify and explore alternative means of funding the rights presentation. For example, the Department's Bureau of Justice Assistance awards discretionary grants through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (Byrne Program). The Department awards these types of grants to private nonprofit organizations to improve the functioning of the criminal justice system. Through the EOIR pro bono coordinator, other sources of funding could be explored to include the State Criminal Alien Assistance Program.

At a minimum, a working group should be formed to examine further expansion of the rights presentation. Membership of the working group should be drawn from INS, EOIR and representatives from nonprofit organizations.

PILOT PROJECT OVERVIEW

On September 9, 1997, the Executive Office for Immigration Review (EOIR), through the Department of Justice (DOJ), invited organizations to submit proposals for performing rights presentations at one or more Immigration Courts. Subsequently, awards were made to three organizations with different start dates and award amounts but each scheduled to run for ninety days. Pertinent award information is summarized below:

ORGANIZATION	LOCATION	START DATE	AWARD
Catholic Legal Immigration Network, Inc (CLINIC)	San Pedro, CA	June 1, 1998	\$20,000
South Texas Pro Bono Asylum Representation Project (ProBar)	Port Isabel, TX	August 1, 1998	\$23,758
Florence Immigrant & Refugee Rights Project, Inc (Florence Project)	Florence, AZ	Sept 1, 1998	\$17,743

Catholic Legal Immigration Network, INC (CLINIC) - CLINIC, a subsidiary of the National Conference of Catholic Bishops and the United States Catholic Conference, has provided legal services to indigent immigrants throughout the country since 1988. During the past few years, CLINIC has focused its resources on representing INS detainees. In response to the September 1997 solicitation for proposals, CLINIC proposed conducting legal rights presentation at the San Pedro INS Processing Center located one hour southeast of downtown Los Angeles, California.

South Texas Pro Bono Asylum Representation Project (ProBar) - ProBar is a pro bono program cosponsored by the American Bar Association and the State Bar of Texas in Harlingen, Texas. Although ProBar has never provided rights presentation, its staff has provided legal assistance to INS detainees in the Harlingen, Texas area since 1989. ProBar proposed conducting rights presentation for ninety days at the Port Isabel INS Service Processing Center located twenty-five miles east of Harlingen, Texas.

Florence Immigrant & Refugee Rights Project (Florence Project) - As discussed in the Background section of this report, the Florence Project already provides a daily rights presentation to detainees. In response to the solicitation by the Department of Justice, the proposal submitted by the Florence Project noted that 7,000 detainees attended daily rights presentation at the Florence INS Service Processing Center during 1996.

PORT ISABEL TRIP SUMMARY

Date Visited: January 11,1999

Sites Visited: Harlingen INS District Office
1709 Zoy Street
Harlingen, TX

Port Isabel Service Processing Center
Los Fresnos, TX

Interviews were conducted with the following INS officials in Harlingen:

Alfonso DeLeon	Acting District Director
Mike Ochoa	District Counsel
Cecelio Ruiz	Assistant District Director for Deportation and Detention
Glenn Stewart	Supervisory Deportation and Detention Officer
Raul Delgado	Port Isabel Administrator
Aaron Cabrera	Port Isabel Officer in Charge

Interviews were conducted with the following EOIR court staff in Harlingen:

Howard Achtsam	Immigration Judge
David Ayala	Immigration Judge
Margaret Burkhart	Immigration Judge
Eleazar Tovar	Immigration Judge
Celeste Garza	Court Administrator

Interviews were conducted with the following South Texas Pro Bono Asylum Representation Project (ProBar) staff in Los Fresnos:

Steven Lang	Coordinator
Meredith Linsky	Presenter

FLORENCE TRIP SUMMARY

Dates Visited: January 12 and 13, 1999

Sites Visited: Phoenix INS District Office
2035 N. Central Ave
Phoenix, AZ

Florence Service Processing Center
Florence, AZ

Interviews were conducted with the following INS officials in Phoenix:

Roseanne Sonchik	District Director
Stephen Fickett	Deputy District Director
Patricia Vroom	District Counsel
David Councman	Acting Assistant District Director for Deportation and Detention

Interviews were conducted with the following INS officials in Florence:

Amy Martin	Chief Trial Attorney
Don Looney	Officer in Charge

Interviews were conducted with the following EOIR court staff in Florence:

Lamonte Freerks	Immigration Judge
Scott Jefferies	Immigration Judge
Lizbeth Patterson	Court Administrator

Interviews were conducted with the following Florence Project staff:

Chris Nugent	Executive Director
Elizabeth Dallam	Pro Bono Coordinator

SAN PEDRO TRIP SUMMARY

Dates Visited: January 21 and 22, 1999

Sites Visited: Los Angeles INS District Office
300 N Los Angeles Street
Los Angeles, CA

Catholic Legal Immigration Network Inc (CLINIC)
1530 West 9th Street
Los Angeles, CA

San Pedro Service Processing Center
San Pedro, CA

Interviews were conducted with the following INS officials in Los Angeles:

Thomas Schiltgen	District Director
Rosemary Melville	Deputy District Director
JoAnn McLane	Deputy District Counsel
Leonard Kovinsky	Assistant District Director for Detention & Deportation

Interviews were conducted with the following INS officials in San Pedro:

Debra Clausing	Trial Attorney
Richard Vinette	Trial Attorney
Gloria Kee	Officer in Charge
Norma Bornaes	Supervisory Deportation Officer

Interviews were conducted with the following EOIR court staff in San Pedro:

Rose Collantes Peters	Immigration Judge
D.D. Sitgraves	Immigration Judge
Graciela Sosa	Deputy Court Administrator
Rosa Flamenco-Reyes	Interpreter

Interviews were conducted with the following CLINIC staff in Los Angeles:

Carolyn Perkins	Staff Attorney
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Appendix V

Following the pilot project, each nonprofit organization reported the number of group presentations conducted:

ORGANIZATION	DETENTION FACILITY	NUMBER OF GROUP PRESENTATIONS	NUMBER OF ATTENDEES
Clinic	San Pedro	54	654
ProBar	Port Isabel	61	1319
Florence Project	Florence	92	1012
TOTAL NUMBER REPORTED		207	2985

Appendix VI

Following the pilot project, each nonprofit organization reported the number of individual interviews conducted:

ORGANIZATION	DETENTION FACILITY	NUMBER OF INDIVIDUAL INTERVIEWS
Clinic	San Pedro	500
ProBar	Port Isabel	407
Florence Project	Florence	219
TOTAL NUMBER REPORTED		1126